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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, December 19, 2013 at 3:00 p.m.
PLACE:	Cannon Building, Second-Floor Conference Room A 861 Silver Lake Boulevard, Dover, DE 19904
APPROVED:	January 16, 2014

MEMBERS PRESENT

John Lenz, DDS, Professional Member, President
Brian McAllister, DDS, Professional Member, Secretary
Blair Jones, DMD, Professional Member
Thomas A. Mercer, DMD, Professional Member
Debra Bruhl, RDH, Hygiene Advisory Member
Bonnie Thomas, RDH, Hygiene Advisory Member
Buffy Parker, RDH, Hygiene Advisory Member
Nathaniel Gibbs, Public Member
Cheryl Calicott-Trawick, Public Member
June Ewing, Public Member

MEMBERS ABSENT

Lucinda Bunting, DMD, Professional Member
Joan Madden, RDH, Professional Hygiene Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Amanda McAtee, Administrative Specialist II
Jennifer Singh, Deputy Attorney General

PUBLIC PRESENT

Dolores Kituskie

CALL TO ORDER

Dr. Jones called the meeting to order at 3:08 p.m.

3:30 p.m. Proposal to Deny Hearing – Dolores Kituskie, Dental Hygienist

BOARD PRESENT: Dr. John Lenz, Dr. Brian McAllister, Dr. Blair Jones,
Dr. Thomas A. Mercer, Debra Bruhl, RDH, Bonnie Thomas, RDH,
Buffy Parker, RDH, Nathaniel Gibbs, Cheryl Calicott-Trawick, and June Ewing

PRESIDING: Dr. John Lenz, President

BOARD STAFF: Amanda McAtee, Administrative Specialist II
Bob Powers, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD:

Jennifer Singh, Deputy Attorney General

RESPONDENT:

Dolores Kituskie

COUNSEL FOR THE RESPONDENT: pro se

PUBLIC PRESENT:

None

COURT REPORTER PRESENT:

Lorena Hartnett, Wilcox and Fetzer

TIME STARTED:

3:38 p.m.

Ms. Singh went on record at 3:38 p.m. The Board members introduced themselves for the record.

Ms. Singh stated that the Board reviewed Dolores Kituskie's application for a dental hygienist license at their meeting on Oct 24, 2013. After reviewing the application and all supporting documentation, the Board proposed to deny the application as it found that she did not meet all statutory qualifications for licensure because Ms. Kituskie may have supplied fraudulent information. Specifically question twenty-one on the dental hygienist application asked if the applicant had ever had their professional license subjected to any disciplinary action which included consent agreements, fines, probation, suspension or revocation. Ms. Kituskie answered "no" to the question. When the Division received license verification from the State of Pennsylvania it was discovered that Ms. Kituskie had paid a fine for working without a license. When the Division questioned Ms. Kituskie about the fine she explained that she was moving and had forgotten to renew her license. She did not provide an explanation for not answering "yes" to question twenty-one on the application.

Ms. Singh marked a complete copy of Dolores Kituskie's application submitted by Dolores Kituskie, which included all supporting documentation, and the Board's correspondence noticing Dolores Kituskie of the proposal to deny decision as Board's Exhibit 1

Ms. Kituskie stated that when she filled out the application when she read the application and what stuck out in her mind was disciplinary action, when she thought of a disciplinary action she thought of taking prescription pads or abuse of patients, in hindsight she should have checked the box "yes" and she should have explained that in the letter. She had paid the fine and showed proof of her CE credits to the State of Pennsylvania and that was all she could tell the Board. She did not do anything intentionally and did not intend to lie or provide fraudulent information on the application

Dr. Jones questioned Ms. Kituskie on how long she had practiced on a lapsed license.

Ms. Kituskie stated that she had moved and had a new child when she misplaced her license renewal paperwork for the State of Pennsylvania. Several months later, someone in her office had asked her where her new license was. That is when she realized that she had forgotten to renew her license and she immediately contacted the Pennsylvania Board to find out how she could correct the situation. She was instructed to pay a fine and complete 20 additional CEs.

Ms. Bruhl questioned if she had worked during the time period that she completed the additional 20 CEs. Ms. Kituskie responded that she had taken time off work to complete the additional CEs.

The Board went off record at 3:45 p.m. to deliberate.

After deliberation, the Board went back on record at 3:49 p.m.

Ms. Calicott-Trawick made a motion, seconded by Ms. Bruhl, to grant Dolores Kituskie a dental hygienist license. By majority vote, the motion carried with Ms. Parker opposed.

The hearing concluded at 3:51 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the October 24, 2013 Board Meeting and the December 6, 2013 Exam Calibration meeting. Mr. Gibbs made a motion, seconded by Dr. McAllister, to approve the minutes as presented. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

Deliberation and Vote on Proposed Addition of Regulation 12.0 – Unprofessional Conduct

Ms. McAtee stated that additional public comment was not received. Dr. Jones made a motion, seconded by Dr. Mercer to adopt the proposed addition of regulation 12.0, unprofessional conduct, to the Board's Rules and Regulations. By unanimous vote, the motion carried.

Review and Consideration of Opinion and Order for Dr. Bruce Fay

The Board reviewed and signed the order for Dr. Bruce Fay.

Discussion and Review of Proposed Regulation Addressing Advertising and Ownership

Ms. Singh stated that the Board had discussed this topic several times and that her legal opinion was that practice was limited to licensed dentists. There was some discussion to research what other states had done with their regulations. Dr. Lenz stated that some ambiguity remained in the statute. Dr. McAllister stated that the Academy of Dentistry had published a report, about the battle of corporate entities with dental practice ownership. Dr. McAllister stated that the area of danger was that clinical decisions were being made by corporations, so treatment was not being dictated by the dentist but by the corporation that owned the practice.

Dr. Lenz had read that other states have had issues with corporations in regards to Medicaid and Medicare fraud. Dr. Lenz stated that to his knowledge there corporate entities were not present in the State of Delaware. Ms. Singh stated that she would need to know how the Board would like to address their concerns in their Rules and Regulations.

Dr. McAllister stated that they did not want to see the quality of care affected by corporate ownership that did not include dentists. Dr. Lenz requested that other Board members come up with suggestions on the topic for the next meeting. Ms. McAtee stated that she would take a look at what other states had placed in there Rules and Regulations to address corporate ownership issues.

Discussion of Setting a Time Limit between Graduation/Examination and Application.

Dr. Lenz stated that this was referenced in Rule 10.0 in the Rules and Regulations. Ms. Singh stated that she considered putting this under Rule 8.0 but decided to broaden Rule 10.0 and to expand it beyond eligibility to take the exam. The Board was free to edit what Ms. Singh presented to accomplish what was previously discussed.

Ms. Singh stated this issue came up when the Board had an applicant that had graduated and passed the state exam and then was not able to be licensed. As a result a long period of time then lapsed between the applicant graduating and passing the state exam and applying for licensure.

Ms. Singh stated that if no rule existed to address a long span of time between submitting an application for licensure and graduation and exam completion then there would be no basis to propose to deny an application.

After discussion, Dr. McAllister made a motion, seconded by Ms. Bruhl to amend what Ms. Singh had drafted to five years and add a provision for a just cause waiver. By unanimous vote, the motion carried.

Ms. Singh stated that she would bring the new draft to the January 16, 2014 meeting for final Board approval.

NEW BUSINESS

RATIFICATION OF LICENSES/PERMITS ISSUED BY DPR SINCE LAST BOARD MEETING

Dentists

Dr. McAllister made a motion, seconded by Dr. Mercer, to ratify the dental licensure of Tuhina S. Roy. By unanimous vote, the motion carried.

Dental Hygienists

Dr. Jones made a motion, seconded by Mr. Gibbs, to ratify the dental hygiene licensure of Ashley Marie Davis, Catherine N. Godfrey, Marcia J. Moon, Jennifer M. Parente, Yiyun Zhu, and Janice M. Rice. By unanimous vote, the motion carried.

Restricted Permit I - None

Restricted Permit II

Dr. Lenz made a motion, seconded by Ms. Ewing, to ratify the restricted permit II licensure of Philip Oliver Sels. By unanimous vote, the motion carried.

Unrestricted Permit – None

Review of Applications for Licensure – None

Review Hearing Officer Recommendations – None

Dentist Appeal Hearing Recommendation – None

Continuing Education Approval – None

COMPLAINT UPDATES

New Complaints

09-25-13

09-26-13

09-27-13

09-28-13

09-29-13

09-30-13

09-31-13

09-32-13

09-33-13

Dismissed by the Division of Professional Regulation
09-17-12

Forwarded to the Deputy Attorney General
09-16-13
09-29-13

Dismissed by the Office of the Attorney General
09-07-12 – Insufficient Evidence
06-16-13 – Moot as the Proper Licenses were Obtained

DISCIPLINE AND COMPLIANCE – None

CORRESPONDENCE – None

OTHER BUSINESS BEFORE THE BOARD

Dr. McAllister stated that he wanted the Board to re-visit the topic of accepting the transcripts from the Academy of General Dentistry (AGD). Dr. McAllister stated that approximately 60% of dentists were members of the AGD and that he had heard a lot of complaints that it was not accepted by the Board. Dr. McAllister had brought his printed transcript to the meeting and showed Board members that his name and license number appeared on each page. Dr. McAllister explained that he submitted CE courses to the AGD whenever he took them, and the AGD either accepted or rejected them. If a course was accepted the AGD put the course on his CE transcript.

Dr. Jones stated that the individual printer preferences must be set for the name to appear on each page, there was something about the headings had to be right for the name to appear on each page.

Ms. Singh stated that this topic would be added to the agenda for discussion and vote at the next meeting

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

The next meeting will be January 16, 2014 at 3:00 p.m. in Conference Room A located on the second floor of the Cannon building at 861 Silver Lake Boulevard, Dover, DE.

ADJOURNMENT

There being no further business to discuss, Dr. McAllister made a motion, seconded by Dr. Mercer, to adjourn the meeting at 5:15 p.m. By unanimous vote, the motion to adjourn carried.

Respectfully Submitted,



Amanda McAttee
Administrative Assistant II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.